

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:10CR3100
)
v.)
)
HELIODORO GOMEZ VALDEZ,) MEMORANDUM AND ORDER
)
Defendant.)

Based on the representations of counsel and the defendant, as stated on the record today, the court finds the defendant personally, and through his counsel of record, has knowingly and voluntarily moved to withdraw his pending motion to suppress and further relinquishes his right to re-file the motion in the future. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to suppress, (filing no. 23), is withdrawn, and shall not be re-filed by the defendant.
- 2) On or before January 24, 2011, defense counsel shall advise the court as to whether the court should set a plea hearing or a trial for final resolution of this case.
- 3) The ends of justice served by permitting the defendant additional time to consider his options for final resolution of this case outweigh the interests of the public and the defendant in a speedy trial, and the time between today's date and January 24, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 13th day of January, 2011.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge